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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOSE ALFREDO GARCIA-SUAREZ,)
)
Defendant.)
_____)

No. CR 13-0423 RS

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME UNDER 18
U.S.C. § 3161**

On August 13, 2013, the parties in this case appeared before the Court for a status conference. Defense counsel informed the Court of her intention to file a motion to dismiss the Indictment. The parties set forth a briefing schedule, in which Defense counsel is to file a motion to dismiss by or on September 27, 2013, the government is to file its response within two weeks thereafter, by or on October 11, 2013, and Defense counsel is to file any further reply by or on October 25, 2013. As a result, the Court set the matter to November 5, 2013, for a hearing on the motion to dismiss.

The parties agreed to exclude the period of time prior to the filing of motions, between August 13, 2013, and September 27, 2013, from any time limits applicable under 18 U.S.C.

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§ 3161. The parties represented that granting an exclusion would allow the reasonable time necessary for effective preparation of counsel and continuity of counsel. *See* 18 U.S.C.

§ 3161(h)(7)(B)(iv). Granting an exclusion of time will also be appropriate once the parties have filed their motions and such motions are pending before the Court. *See* 18 U.S.C.

§ 3161(h)(1)(D). The parties also agreed that the ends of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made findings consistent with this agreement.

SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: August 13, 2013

_____/s/_____
JANAKI GANDHI
Special Assistant United States Attorney

DATED: August 13, 2013

_____/s/_____
JODI LINKER
Attorney for Defendant Jose Alfredo Garcia-Suarez

~~PROPOSED~~ ORDER

For the reasons stated above and at the August 13, 2013, hearing, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from August 13, 2013, through September 27, 2013, is warranted, and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Denying the requested exclusion of time would deprive the parties of the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). In addition, an exclusion of time during the pendency of the motions filed by the parties is appropriate for the time period between September 27, 2013, and November 5, 2013. 18 U.S.C. § 3161(h)(1)(D).

IT IS SO ORDERED.

DATED: 8/14/13



THE HONORABLE RICHARD SEEBORG
United States District Judge